

USSN 10/023,441  
May 26, 2006  
Response to April 12, 2006 Office Action

### REMARKS

#### **I. Status of Claims**

Claims 99-110, 112-129, and 131-136 are pending in this application. Claims 99-110, 112-129, and 131-136 are rejected.

Independent claims 99 and 126 are amended to limit the cyclodextrin to a hydroxypropyl- $\beta$ -cyclodextrin,  $\beta$ -cyclodextrin sulfobutyl ether and mixtures thereof.

Dependent claims 103 and 129 are amended to limit the cyclodextrin to  $\beta$ -cyclodextrin sulfobutyl ether and a hydroxypropyl- $\beta$ -cyclodextrin, respectively.

Dependent claims 104 and 105 are amended to limit the modafinil compound to modafinil and the levorotatory form of modafinil, respectively.

Dependent claims 100, 106-107, 112-114, 118, 121-123, 131-132, and 134 are amended to correct claim language informalities and claim dependencies.

No new matter has been added by way of these amendments.

#### **II. Rejection under 35 U.S.C. §112 – Enablement**

Claims 99-110, 112-129, and 131-136 are rejected under 35 USC 112, first paragraph as allegedly failing to comply with the enablement requirement. The Examiner asserts that the claims are not enabled because the specification, while being enabling for hydroxypropyl- $\beta$ -cyclodextrins and  $\beta$ -cyclodextrin sulfobutyl ether, does not reasonably provide enablement for the full range of cyclodextrins recited in the claims.

In order to expedite the prosecution and without agreeing to the merit of the rejections, Applicants have amended independent claims 99 and 126 to recite only hydroxypropyl- $\beta$ -cyclodextrins,  $\beta$ -cyclodextrin sulfobutyl ether, and mixtures thereof.

In view of these amendments, Applicants respectfully request that this rejection be withdrawn.

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**III. Rejection under 35 U.S.C. §112 – Indefiniteness**

Claims 99-110, 112-129 and 131-136 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. The Examiner asserts that the term “about” is unclear.

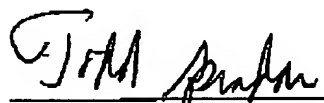
Applicants respectfully point out that the term “about” is defined in the specification as “a range of values  $\pm$  10% of a specified value” (see page 8, lines 14-16). Accordingly, the meaning of this term is discernible to one of ordinary skill in the art.

In view of this definition, Applicants respectfully request that this rejection be withdrawn.

**IV. Conclusion**

For at least the reasons set forth herein, Applicants respectfully submit that each rejection and objection has been addressed. It is believed that all the claims are in form for allowance, and an early notification to that end is respectfully requested. Applicants invite the Examiner to contact the undersigned at (610) 883-5679 to clarify any remaining issues.

Respectfully submitted,



Todd W. Spradlau  
Reg. No. 52,242

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CEPHALON, Inc.  
41 Moores Road  
P.O. Box 4011  
Frazer, PA 19355  
Telephone: 610-883-5679  
Telefax: 610-738-6590